National Conservation Council

General Meeting

24 November 2021, 2pm
Meeting open to public viewing, via CIG YouTube due to COVID

Minutes

1) Call to Order
   a) Attendees, Apologies, Quorum
      i) JB confirmed apologies from Tim Austin & Jessica Harvey who are travelling.
      ii) MC confirmed quorum has been reached and the meeting in session at 2:01pm.
   b) Declaration of Interests
      i) No interests to declare

2) Confirmation of Minutes of 21 July 2021
      i) RM noted Pg 2 of July minutes has additional information in regards to the Cayman Sands project than what was originally circulated.
      ii) GEP advised that the section was amended to explain what "noted" meant vs "ratified" so the minutes now accurately reflect the intention of the council based on the advice provided by the AG office.
      iii) No other notes submitted by council.
      iv) LH moved to adopt minutes.
      v) AE seconded the motion
      vi) With no one against, the minutes were successfully adopted

3) Matters Arising From Previous Meeting
   a) Annual Report 2020
      i) JB confirmed the AR had been circulated earlier in the year and noted at the previous GM Council wished to have some areas expanded. This was done, in particular section 2.3 including turtle conservation, mangrove conservation, Sybils' crownbeard, *Aegiphila Caymenensis*, Meagre Bay Pond management plan, enhanced marine parks, spear gun licensing and gamebird hunting.
      ii) LH moved to adopt the 2020 report
      iii) The Annual Report 2020 was adopted.

4) Reports
   a) Climate Change
      i) LH – summarized her notes from CoP26 from the NCC perspective.
         (1) Thankful to see the premier and youth delegates at the conference.
         (2) Our challenge now stands to meet the commitments made by the international community, namely:
            (i) Ending deforestation and reversing or restoring degraded lands by 2030
            (ii) Cutting methane emissions by 30% by 2030
            (iii) Becoming net 0 by 2050
         (3) These targets will only limit global warming to between 1.8 and 2.1 degrees C, far from the 1.5 needed to avert the worst effects of climate change.
         (4) People in Cayman are already witnessing climate impacts so Cayman must enact policies and actions within this decade to adapt.

(5) Regarding tracking deforestation, DoE continues to report wetland loss on the west side of GC so expansion to include other forest habitat loss would meet Paris Agreement and compliment the National Energy Policy requirement for tracking the rate of development.
(6) Wider public and action groups wish to see more protected area nominations for cabinet consideration, particularly those that contribute to climate resiliency. Accounting for the removal of such natural systems in our GHG inventory will more accurately report per capita emissions and recognize their offset value and also allow us to better select sites for rehabilitation. We will need Environmental Protection Fund allocations to support these efforts.
(7) Review Plan Cayman to marry into an updated climate change policy must be updated to use the natural capital project data and other such projects examining our natural resources.
(8) Incorporate nature based solutions arising from the upcoming climate change risk assessment and develop user-friendly climate resiliency tools.
(9) The multi-dimensional vulnerability index is still in development but has provided preliminary scores for the Cayman Islands. The global resilience index initiative is being employed by some insurers and financial institutions. It is encouraging to see some of these institutions having participated in Cop26, seeking advice on biodiversity loss locally and climate impact in an effort to adjust practices and develop products around renewable energy, green infrastructure and other adaptation projects.
(10) We must have focused management of our existing forests and grasslands to limit their conversion, as well as our agricultural waste disposal and wastewater treatment practices to embrace technological opportunities.
(11) We must reduce transport emissions, particularly from cars.
(12) These actions align with NCC goals and objectives for 2021 as stated in our 2020 Annual Report, the "Seizing the moment to greener transition" document, as well as many objectives of the broad outcome five in Government's Strategic Planning Statement.

ii) PB noted she would like to see the mangrove management plan expanded so there is more authority for the NCC, particularly in Planning matters.
iii) AJ noted the importance of increased wider public education on climate change particularly as the younger generation are aware and already having these conversations.
iv) GEP noted she concurs with LH's assessment of the outcome of Cop26 and how it pertains to local action both from a policy and legislative aspect.
v) GEP noted the risk assessment is underway and the local stakeholders including NCC will be involved in those discussion once the first report is made.

b) Environmental Assessment Boards
i) Ratification of E-W Arterial EAB
(1) GEP reminded Council in 2019 NCC appointed an environmental assessment board (EAB) after approving the need for an EIA for the east-west arterial. The first stage of the EIA is a scoping opinion prepared by the EAB. Since the NRA have transitioned to being one of the main proponents of the project, it was found a conflict of interest to sit on the EAB.
(2) Since the NRA has requested a new scoping opinion for the entire road from Hurst Rd to Frank Sound Rd, the EAB requested the NRA representative be removed and replaced with someone from Public Works.
(3) The vote was conducted by email between the 19th and 25th of October.
(4) GEP submitted the motion to ratify the change in appointment so the board members are the Director of DoE, Director of Planning, the Deputy Director of Research at the DoE (standing members), a representative from Water Authority and a representative from Public Works.
(5) PB moved to accept the ratification & AE seconded
(6) GEP / RM / PF abstained from voting
(7) None against

(8) The motion was carried and the EAB change ratified.

5) New Matters
   a) Ratification of Appeals - Re: Boggy Sands Road Development
      i. GEP reminded Council of the Working Group's previous decisions to apply for leave for judicial review and to file an appeal to the Planning Tribunal in relation to the CPA decision not to follow NCC direction under section 41 of the National Conservation Act and to approve the application for a 2-storey cabana in block 5B parcel 162 by Cayman Property Investments Limited.
      ii. GEP submitted the motion for the Council to ratify both decisions to seek grant of leave for JR and file an appeal with CPA as advised by NCC legal council.
      iii. PB moved to accept the ratification and HB seconded
      iv. RM & GEP abstained from voting.
      v. The motion was carried with 6 ayes (SM/ LH/ PB/ AJ/ PF/ HB) and 0 nays
   b) Aggressor Bloody Bay Marine Park Access Application
      i. JB reminded Council of Cayman Aggressor's application to renew their permit to enter Bloody Bay but there were some references showing Aggressor's new vessel 5 to exceed the size limitations for the permit so DoE has requested confirmation of the vessel length.
      ii. The DoE submits the motion that the Cayman Aggressor V be allowed to continue to operate while the permit is under review; *and*
      iii. That the DoE continue to process the application under delegated authority; *and*
      iv. That Oceans International be asked for an Admeasurement Survey for the Aggressor V; *and*
      v. That the Aggressor be given a month (or other reasonable amount of time) to provide the Survey.
      vi. It was also noted the Aggressor is encouraged to provide their own overnight moorings as the vessel is too large to spend extended periods tied to the public moorings without damaging them.
      vii. Council has encouraged DoE to review Bloody Bay directives for any other considerations in 2022.
      viii. Updates may evolve into a draft Protected Area Management Plan for the Bloody Bay Marine Park.
      ix. DoE will also work towards Public Mooring Regulations in 2022.
      x. DoE via JB moved to accept the above noted motion and it was seconded by HB.
      xi. GEP abstained from the vote.
      xii. The motion was carried with 8 ayes (SM/ LH/ PB/ AJ/ PF/ HB /RM/ AE) and 0 nays.
   c) Habitable Overwater Dwellings
      i. GEP reminded the council of various applications for over-water bungalows including the current application for habitable over-water dwellings in Little Cayman. These applications prompted DoE to meet with other government agencies who have some kind of regulatory or policy role in processing such applications. At that time the position was advanced that the country adapt guidelines and policies from similar jurisdictions like Belize, Jamaica and other countries in the region.
      ii. With the support of the NCA sections especially 3(9)(j), the DoE proposed a draft interim policy for the processing of such applications for habitable over-water dwellings which fall within multiple regulatory practices including Coastal Works and Planning.
      iii. The NCC reviewed the draft policy and DoE made 2 changes from the recommendations, adding references to Marine Park Regulations and the National Tourism Policy.
      iv. Council decided to adopt the policy 29 Sept 2021.
      v. Council strongly recommended to the Cabinet and the Ministry that the proposed draft guidelines be used to guide decision making for these types of structure in marine protected areas.
      vi. It was further recommended that a comprehensive policy be developed for over-water habitable structures in general and not just within protected areas.
      vii. The motion was made that the NCC ratify the decision to strongly recommend to Cabinet that the proposed interim guidelines be used and that a comprehensive policy be developed for all

habitable over-water structures in a manner that includes stakeholder and public engagement consultation.

viii. RM noted a correction to be made to the appendix of the motion. Page 3 of the guidelines appears to reference "targeted sustainable development areas" as in the National Planning Framework but should in fact be as in the Tourism Policy.

ix. LH & GEP acknowledged the error and it was agreed to make the correction.

x. The motion was made that the NCC ratify the decision to strongly recommend to Cabinet that the proposed interim guidelines be used and that a comprehensive policy be developed for all habitable over-water structures in a manner that includes stakeholder and public engagement consultation.

xi. The motion was moved by LH & seconded by PB

xii. GEP& RM abstained from voting.

xiii. The motion was carried with 7 ayes (SM/ LH/ PB/ AJ/ PF/ HB / AE) and 0 nays.

d) Seabird Conservation Plan
   i) GP moved to withdraw the item from the agenda so some logistical discrepancies around the critical habitat which were only just recently identified can be addressed before bringing it back to Council in the early New Year.
   ii) MC confirmed Seabird Conservation Plan is withdrawn.

6) Next Meeting
   a) March 23rd, June 15th, September 21st, December 14th 2022
   b) All meetings 2pm, via video broadcast for public viewing, or George Town Government Administration Building room 1038.

7) Any Other Business
   a) GEP noted the letter received by Jackson Law regarding the Council's decision to require an EIA for the proposed Dart PAD claiming the Council's decision was unreasonable and against the principles of natural justice and several other allegations. The Council decided to seek legal advice on that letter and have a legal response drafted. A copy of the letter will be made available to members.
   b) The legal advice was that the Council's actions were in accordance with the NCA and the EIA directive was completely reasonable and lawful and complied with all the requirements of the Constitution and the National Conservation Act.

8) Adjournment
   a) There being no further business, the meeting was adjourned at 2:58 pm.

9) Attendance Appendix

Council Member	**24 Nov. 2021**	**Representation**
McFarlane Conolly	Present	Chairperson; East End
Jessica Harvey	Apologies	George Town; Marine & Terrestrial Affairs
Lisa Hurlston-McKenzie	Present	West Bay; Sustainable Development & Climate Change
Edward Chisholm	Absent	North Side
Pierre M. Foster	Present	Bodden Town
Harrison A. Bothwell	Present	Sister Islands
Annick Jackman	Present	National Trust for the Cayman Islands (Executive Director)
Patricia Bradley	Present	Avifauna & Biodiversity
Stuart Mailer	Present	Sustainable Development
Adrian Estwick	Present	Director of Agriculture
Haroon Pandohie	Absent	Director of Planning
Richard Mileham	Present	Planning Officer, representing the Director of Planning
Gina Ebanks-Petrie	Present	Director of Environment
Timothy Austin	Apologies	DoE Deputy, Research
John Bothwell	Present	Secretary